

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cordon-Cardo, C. & § ART UNIT: 1637  
Mastorides, S §

FILED: December 10, 2001 § EXAMINER:  
§ Spiegler, A.H.

SERIAL NO.: 10/006,775 §

FOR: Method of Creating a § DOCKET:  
Cryoarray and Uses Thereof § D6350A

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

Dear Sir:

I, Carlos Cordon-Cardo, hereby state as follows:

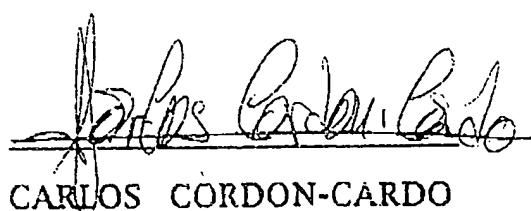
I am an inventor of the subject matter claimed in the above-referenced U.S. patent application Serial No. 10/006,775. An issue relating to the subject matter claimed in the above-referenced U.S. patent application Serial No. 10/006,775 is the Hoos & Cordon-Cardo reference (Laboratory Investigation, Vol. 81(10), pg. 1331-1338 (Oct. 2001)) cited as anticipating claims 1-13 under 35 USC §102(a).

This paper was published by myself and Axel Hoos, who was not an inventor of the subject matter disclosed in the above-referenced application. I aver in this Declaration that I am a true inventor of the subject matter described by the above-referenced

application. I aver further that Axel Hoos was working under my direction and was named as a coauthor of the Laboratory Investigation, Vol. 81(10): 1331-1338 (Oct. 2001) publication; Axel Hoos' contribution was other than as coinventor of the instant invention. The paper is a minireview of the opportunities and limitations of tissue microarray profiling of cancer specimens in which the instant invention is disclosed as having advantages over state of the art tissue microarray profiling techniques.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

DATE: October 16, 2003

  
Carlos Cordon-Cardo  
CARLOS CORDON-CARDO